

2 for w/v  
**ORIGINAL**  
**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

3 per  
8/14/01

**BARBARA A. WILHELM,**

**Plaintiff**

**v.**

**COMMONWEALTH OF PA.;**  
**PENNSYLVANIA STATE POLICE;**  
**COLONEL PAUL J. EVANKO,**  
**COMMISSIONER; LIEUTENANT**  
**COLONEL THOMAS K. COURY; and**  
**CAPTAIN MICHAEL. D. SIMMERS,**

**Defendants**

**NO. 1:CV-01-1057**

**(JUDGE RAMBO)**

**FILED**  
**HARRISBURG**

**AUG 13 2001**

**MARY E. D'ANDREA, CLERK**  
**Per. gjs**  
**DEPUTY CLERK**

**DEFENDANTS' MOTION FOR AN ENLARGEMENT**  
**OF TIME TO RESPOND TO THE COMPLAINT**

Pursuant to Fed.R.Civ.P. 6(b) defendants Commonwealth of Pennsylvania, Pennsylvania State Police, Commissioner Paul J. Evanko, Lieutenant Colonel Thomas K. Coury and Captain Michael D. Simmers move for an enlargement of time within which to respond to the complaint until September 7, 2001. In support of this motion defendants state as follows:

1. This action asserts employment discrimination and retaliation under 42 U.S.C. §1983, Title VII of the Civil Rights Act of 1974, 42 U.S.C. §2000e *et seq.*, the Equal Pay Act, 29 U.S.C. §206(d), the Pennsylvania Human Relations Act, 43 Pa.C.S. §955; and Pennsylvania's Whistleblower Law, 43 Pa.C.S. §1421, *et seq.*

2. Plaintiff is Barbara A. Wilhelm a former employee of the State Police assigned to work in the Legislative Affairs Office.

3. Defendants are the Commonwealth of Pennsylvania, Pennsylvania State Police, Commissioner Paul J. Evanko, Lieutenant Colonel Thomas K. Coury and Captain Michael D. Simmers.

4. The complaint was filed on June 14, 2001. It was subsequently served at State Police Headquarters by the Sheriff of Dauphin County on July 20, 2001.

5. The case was received by the undersigned counsel on August 13, 2001.

6. According to the rules the deadline for responding to the complaint was August 9.

7. The delay in transmitting the complaint to counsel was not caused by deliberate indifference but instead reflects the time it took, during the height of summer vacation season, to review the pleading, to submit it to the Office of General Counsel for further review and to request representation by the Office of Attorney General.

8. Defendants intend to contest this matter, but require time to consult with their counsel to prepare an appropriate response.

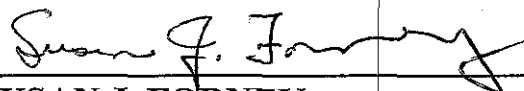
9. The requested enlargement is less than 30 days and will not significantly delay the final disposition of this matter.

10. The undersigned counsel attempted to obtain plaintiff's concurrence in this motion but her counsel is out of town. Defendants will advise the court of plaintiff's position as soon as it is known.

**WHEREFORE**, defendants respectfully request the Court to enlarge the time within which they must respond to the complaint until September 7, 2001.

**Respectfully submitted,**

**D. MICHAEL FISHER**  
**Attorney General**

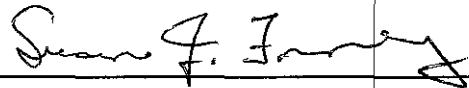
**BY:**   
**SUSAN J. FORNEY**  
**Chief Deputy Attorney General**  
**I.D. No. 27744**

**Office of Attorney General**  
**Litigation Section**  
**15<sup>th</sup> Floor, Strawberry Square**  
**Harrisburg, PA 17120**  
**(717) 787-9831**

**DATED: August 13, 2001**

**CERTIFICATE OF CONCURRENCE / NONCONCURRENCE**

Counsel for defendants called counsel for plaintiff to obtain his concurrence in the foregoing motion; however, counsel for plaintiff was out of the office and has not returned her call.

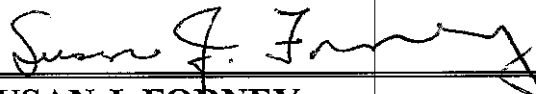
A handwritten signature in cursive script, appearing to read "Susan J. Forney", written over a horizontal line.

**SUSAN J. FORNEY**  
**Chief Deputy Attorney General**

**CERTIFICATE OF SERVICE**

I, **SUSAN J. FORNEY**, Chief Deputy Attorney General for the Commonwealth of Pennsylvania, hereby certify that on August 13, 2001, I caused to be served a copy of the foregoing document entitled **Defendants' Motion for Enlargement of Time to Respond to the Complaint**, by depositing same in the United States Mail, first class, postage prepaid, in Harrisburg, Pennsylvania, upon the following:

**Nathan C. Pringle, Jr., Esquire  
3601 North Progress Avenue, Suite 200  
Harrisburg, PA 17110**

A handwritten signature in cursive script, reading "Susan J. Forney", is written over a horizontal line.

**SUSAN J. FORNEY  
Chief Deputy Attorney General  
I.D. No. 27744**